

**REMARKS**

1. Status of the Claims

Claims 1, 3-9, and 17 are currently pending in the present application. No amendments to the claims are made herein. Applicant respectfully requests that the Examiner reconsider the present application in view of the remarks below.

2. Examiner's Interviews of February 14, 2005 and February 15, 2005

The undersigned called the Examiner on February 14, 2005 to discuss the new enablement issue raised against pending claims 1, 3-9, and 17 under 35 U.S.C. § 112, first paragraph, which issue was raised in an Advisory Action mailed December 20, 2004 (hereinafter the "Advisory Action"). The Advisory Action stated, "consideration of conditions such as the amount of radiation administered and the number of cells implanted would have to be considered" implying that these conditions would have to be considered in order to establish that the claims were enabled. In the Examiner's Interview of February 14, 2005, the undersigned pointed to the examples of the radiation administered and the number of cells implanted in the specification (e.g., at page 2, line 32 through page 3, line 1 and page 3, line 5, respectively). The undersigned also pointed to the Examples in the specification which disclose conditions which resulted in an *in vivo* model system of human leukemia. The Examiner stated that she would reconsider the claims based upon the above information and initiate a second Examiner's Interview to discuss her findings.

In a second Examiner's Interview on February 15, 2005 (hereinafter the "second Examiner's Interview"), the Examiner

stated that upon receiving a Supplementary Response After Final Office Action as set forth herein, the enablement rejection presented in the Advisory Action will be withdrawn and that claims 1, 3-9, and 17 will be allowed.

3. Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 1, 3-9, and 17 under 35 U.S.C. § 112, first paragraph, in the Advisory Action stating that, "consideration of conditions such as the amount of radiation administered and the number of cells implanted would have to be considered" implying that the claims were allegedly not enabled because the specification allegedly did not disclose "conditions such as the amount of radiation administered and the number of cells implanted". Applicant respectfully traverses the present rejection.

Examples of the amount of radiation administered in the process of making an *in vivo* model of human leukemia are disclosed in the specification at page 2, line 32 through page 3, line 1, for example. Examples of the number of cells implanted in the process of making an *in vivo* model of human leukemia are disclosed in the specification at page 3, line 5, for example. Furthermore, the preamble of the independent claims should have caused the consideration of these conditions in achieving the final claimed step of "allowing the primary human leukemia cells to engraft in the mouse to produce the *in vivo* model of human leukemia". Still further, there is no prior art of record that supports a finding that one of ordinary skill in the art could not practice the claimed invention. Accordingly, the present rejection should be withdrawn because the specification provides

examples of conditions that demonstrate enablement of the claimed processes.

**CONCLUSION**

No new matter has been added by way of the present Response. Applicant believes that claims 1, 3-9, and 17 are in condition for allowance and earnestly solicits an early notification of allowance from the Examiner.

The Commissioner is hereby authorized to charge Deposit Account No. 19-0962, should any additional fees be required in this application.

Respectfully submitted,

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Date

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